

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

MAYFONK ATHLETIC, LLC,

Plaintiff,

v.

NIKE, INC.,

Defendant.

No. 3:14-cv-00423-MO

OPINION AND ORDER

MOSMAN, J.,

On July 7, 2015, a claim construction hearing was held in the above-entitled patent action. At issue are claim terms appearing in U.S. Patent Numbers 8,253,586 (“586 patent”) and 8,860,584 (“584 patent”). Following the hearing, I instructed the parties to provide me with additional briefing concerning the proper construction of the term “personal processing unit.” In this updated Opinion and Order, I announce my constructions of the following terms:

Claim Term	Construction
‘586 patent	
“initializing by said computing unit at least one sensor device and the computing unit, wherein said step of	Providing for electrical power by the computing unit to at least one

initializing comprises providing for the provision of electrical power” (claim 12)	sensor and the computing unit.
“integrated” (claim 12)	<i>As agreed to by the parties</i>
“conditioning into a distance measurement an electrical signal corresponding to the time delay embedded in said sensor data” (claim 12)	<i>Plain and ordinary meaning</i>
“tracking said distance measurement for one or more discrete time intervals as period data” (claim 12)	<i>Plain and ordinary meaning</i>
‘584 patent	
“activity programs”/ “activity program” (claims 21 and 23)	Software loaded on the computing unit that controls sensor data acquisition in connection with a particular athletic activity.
“in real time” (claims 3,4,6,9,12,13,15)	Without any delay beyond the inherent transmission, processing, or storage requirements described in the Patent.

<p>“real time transmission”</p> <p>(claims 9, 12)</p>	<p>Without any delay beyond the inherent transmission, processing, or storage requirements described in the Patent.</p>
<p>“real time automated storage”</p> <p>(claim 21)</p>	<p>Without any delay beyond the inherent transmission, processing, or storage requirements described in the Patent.</p>
<p>“specifically paired, defined by at least one of a wired serial connection and wireless bonding which enables the computing unit to authenticate the identity of the external computing device prior to communicating electrical signals therewith”</p> <p>(claims 3 and 12)</p>	<p>Specifically paired, defined by at least one of: (1) a wired serial connection, or (2) a wireless bonding which enables the computing unit to authenticate the identity of the external computing device prior to communicating electrical signals therewith.</p>
<p>“personal processing unit”</p> <p>(claims 21, 23, 24 and 27)</p>	<p>A computing device configured to receive and process athletic performance parameter sensor data.</p>

“interactive subscriber communication” (claims 3 and 12)	<i>No construction necessary</i>
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DATED this 20th day of August, 2015.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Judge